

**Application No. ZT-105-06, York County Board of Supervisors:**

Consider amendments to: Section 24.1-104, Definitions; Section 24.1-306, Table of Land Uses; Article 4, Division 10 - Performance Standards for Business and Professional Uses; and, Section 24.1-606, Minimum Off-Street Parking and Loading Requirements of the York County Zoning Ordinance (Chapter 24.1, York County Code) to: define the term “payday loan establishments”; establish a special use permit requirement for tattoo parlors, pawn shops and payday loan establishments; establish performance standards prohibiting the location of such establishments within 2,640 feet of places of worship, public, parochial or private schools, public libraries, or public parks/athletic fields; and, establish distinct off-street parking requirements for such uses.

**Mr. Mark Carter**, Assistant County Administrator, presented a summary of the staff report to the Commission dated August 1, 2006, in which the staff recommended approval.

**Mr. Ptasznik** noted that of the three types of businesses mentioned, payday loan establishments probably had the most existing regulation by the state but he did not think that type of business would have as much effect on children or the community as pawn shops and tattoo parlors. He agreed with the proposals for tattoo shops and pawn shops but recommended careful consideration before imposing unwarranted regulation on payday loan establishments.

**Mr. Carter** mentioned that the Board and the Planning Commission have expressed the desire to protect General Business-zoned land for high revenue-generating businesses that also need high exposure to survive. He did not think of the three named business types, or mini-storage warehouses, as need that exposure.

**Chair Ptasznik** opened the public hearing. Hearing no one, he closed the public hearing.

**Ms. Conner** said that she considered payday loan establishments to be distinctly different from banks and were perceived as taking advantage of some citizens who were unable to qualify for other lines of credit and may be the least able to afford their considerably higher interest rates. She believed the County should continue to make a strong distinction between that type of business and banks.

**Mr. Abel** observed that the Commission’s recommendation would to some degree indicate whether they were impulse- or destination-driven businesses, and he was not certain that the County should encourage impulse destinations for any of those businesses. While they are legitimate, there is a limited amount of attractive high-traffic commercial space available, and it should be considered if the County wants to encourage those particular businesses using that space or make it available for other things.

**Mr. Hamilton** appreciated that the recommendation was based on the opinions of the population identified through a citizen survey. He supported the staff proposal.

**Mr. Ptasznik** supported the proposals.

**Mr. Barba** moved adoption of proposed Resolution No. PC06-20.

Resolution No. PC06-20

On motion of Mr. Barba, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-105-06 TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, ARTICLE 4, DIVISION 10 – PERFORMANCE STANDARDS FOR BUSINESS AND PROFESSIONAL USES, AND SECTION 24.1-606, MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO: DEFINE PAYDAY LOAN ESTABLISHMENTS; ESTABLISH A SPECIAL USE PERMIT REQUIREMENT FOR TATTOO PARLORS, PAWN SHOPS AND PAYDAY LOAN ESTABLISHMENTS; AND, TO ESTABLISH PERFORMANCE STANDARDS RELATED TO THE LOCATION OF SUCH ESTABLISHMENTS

WHEREAS, the York County Board of Supervisors has sponsored this application to give consideration to amendments to Chapter 24.1, Zoning, of the York County Code to include revised definitions and regulations pertaining to tattoo parlors, pawn shops and payday loan establishments; and

WHEREAS, the Board has determined that consideration of such amendments would be consistent with good zoning practice and with the results of a community-wide public opinion survey; and

WHEREAS, said application has been referred to the Planning Commission for review, public hearing and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and has carefully considered the comments and recommendations received from staff and the public; and

WHEREAS, the Commission has determined that approval of the proposed amendments would be consistent with policies promoting protection and enhancement of the character and appearance of the County's commercial corridors and areas;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 9th day of August, 2006, that it does hereby recommend approval of Application No. ZT-105-06 to amend Sections 24.1-104 and 306, to add a new Section 24.1-470.1, and to amend Section 24.1-606(k) of the Zoning Ordinance to read as set forth below;

**Sec. 24.1-104. Definitions.**

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*Payday loan establishment.* A place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of

assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the purposes of this chapter, such establishments shall not be construed to be “banks” or “financial institutions.”

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**Sec. 24.1-306. Table of land uses.**

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
							D							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 11 – BUSINESS / PROFESSIONAL SERVICE													
1. Broadcasting Studio								P	P			P	P	P
2. Barber/Beauty Shop							P	P	P		P			P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P		P
4. Funeral Home (may include cremation services								S	P		P			
4a. Cremation Services (human or pets)									S			S		S
5. a) Photographic Studio							S	P	P		P	P		P
b) Film Processing Lab								S	P		P	P		P
6. Household Items Repair									P		P	P		P
7. Fortune Teller,									S					
7.1 Tattoo Parlor												S		
7.2 Pawn Shop									S					
8. a) Banks, Financial Institutions							P	P	P		P			
b) Freestanding Automatic Teller Machines							P	P	P	S	P			
8.1 Payday Loan Establishments									S					
9. Offices						S	P	P	P		P	P		P
10. Hotel & Motel								S	P	S	P			
11. Timeshare Resort						S			S	S	S			
12. Restaurant/Sit Down								P	P		P			
13. Restaurant/Brew-Pub									P		P			
14. Restaurant/Fast Food								S	P		S			
15. Restaurant/Drive In								S	P		S			
16. Restaurant - Carryout/Delivery only							S	P	P		S			
17. Catering Kitchen/Services							S	P	P		S			
18. Nightclub								S	S		S			
19. Commercial Reception Hall or Conference Center							S	S	P	S	P			
20. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P		P		P
21. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P		P
22. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P		P
23. Professional Pharmacy							P	P	P		P			

(Ord. No. 05-34(R), 12/20/05)

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add a new Section 24.1-470.1, as follows:

**Sec. 24.1-470.1. Standards for tattoo parlors, pawn shops and payday loan establishments.**

- (a) Tattoo parlors, pawn shops or payday loan establishments shall not be located on property that is within ½ mile (2,640 feet) of property occupied by: a place of worship; a public, parochial or private school (K thru 12); a public library; or, a public park or athletic field or facility.
- (b) No tattoo parlor shall be located such that its principal façade or any wall or freestanding signage associated with the establishment is visible from any Primary System road in the County.

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**Sec. 24.1-606. Minimum off-street parking and loading requirements.**

(k) Category 11 – *Business / Professional Service*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Funeral home or mortuary	One (1) space per four (4) seats or seating spaces in the main chapel or parlor;	None
(2) Financial institution with drive-in windows	One (1) space per 350 square feet of floor area; plus Eight (8) stacking spaces for the first drive-in window; plus Two (2) stacking spaces for each additional window.	None
(3) Financial institutions without drive-in windows.	One (1) space per 350 square feet of floor area.	None
(4) Freestanding ATM	Four (4) spaces per machine	None
(4.1) Payday loan establishment	One (1) space per 350 square feet of floor area	None
(4.2) Tattoo parlor	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(5) Medical or dental clinic/office	Two (2) spaces per examination or treatment room; plus One (1) space per 350 square feet of administrative office space.	None
(6) Offices – business or professional	One (1) space per 350 square feet of floor area but in no case less than three (3) spaces.	One (1) space per building or per building grouping capable of being served by a single space.
(7) Personal Service Establishments (Barber/beauty shops, apparel services, , etc.)	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(8) Motel, hotel, motor lodge	One (1) space per sleeping room or suite for first 100 units; plus <ul style="list-style-type: none"> <li>• 0.9 spaces per sleeping room or suite for units 101 through 200</li> <li>• 0.8 spaces per sleeping room or suite for units 201</li> </ul>	One (1) space; plus One (1) additional space for on-site restaurant

	<p>through 300</p> <ul style="list-style-type: none"> <li>0.7 spaces per sleeping room or suite for units in excess of 300; plus</li> </ul> <p>One space for each 250 square feet of floor area used for meeting rooms and for the preparation, serving or consumption of food or beverage, but not including storage and refrigeration areas.</p>	
(9) Timeshare resort	1.3 spaces per unit.	None
(10) Restaurant: Sit Down and Brew Pub	<p>One (1) space per 100 square feet of total gross floor area;</p> <p>NOTE: <i>Outdoor dining area shall be included in the calculations.</i></p>	One (1) space
(11) Restaurant: Fast Food or Drive-In	<p>One and one-half (1 1/2) spaces per 100 square feet of gross floor area inclusive of outside dining area; plus</p> <p>Eleven (11) stacking spaces for the first drive-in window; plus</p> <p>Three (3) stacking spaces for each additional drive-in window.</p>	One (1) space
(12) Restaurant: Drive-Through Only	<p>Five (5) spaces; plus</p> <p>Eighteen (18) stacking spaces for the first drive-in window; plus</p> <p>Three (3) stacking spaces for each additional drive-in window.</p>	One (1) space
(13) Nightclubs, bars, taverns, dance halls	One (1) space for every 60 square feet of floor area, excluding kitchen areas	One (1) space
(14) Commercial reception hall or conference center	One (1) space for every four (4) seats or sixty (60) square feet of assembly area	One (1) space
(15) All other Category 11 uses	One (1) space per 350 square feet of gross floor area	One (1) space, unless waived by the zoning administrator in consideration of the specific nature of the use.